

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**TEODORO JUAREZ,
#M30953,**

Petitioner,

vs.

Case No. 17-cv-00526-DRH

JASON GARNETT,

Respondent.

MEMORANDUM AND ORDER

HERNDON, District Judge:

Petitioner Teodoro Juarez is currently in the custody of the Illinois Department of Corrections and incarcerated at Big Muddy River Correctional Center (“BMRCC”). (Doc. 1). He filed a Petition for Writ of Mandamus in this District on May 18, 2017. *Id.* In it, Petitioner alleges that he has been held in custody beyond his correct release date in an undisclosed state criminal case. (Doc. 1, pp. 1-2). He includes a copy of his sentence calculation worksheet, which indicates that his adjusted projected out date was March 16, 2017. (Doc. 1, pp. 1-2, 5). Petitioner seeks immediate release. (Doc. 1, p. 2).

He mailed the Petition for Writ of Mandamus to this Court in error. The Petition is directed to the “Circuit Court of East St. Louis.” (Doc. 1, p. 1). The Application to Sue or Defend as a Poor Person is directed to the Cook County Circuit Court. (Doc. 2). The envelope used to mail both documents is addressed to the “Clerk of Circuit Court.” (Doc. 1, p. 7). Petitioner then used the address

for the United States District Court for the Southern District of Illinois on the envelope that held both documents. *Id.*

So that Petitioner may pursue his state-court mandamus action without further delay, the Clerk is **DIRECTED** to **RETURN** the Petition for Writ of Mandamus (Doc. 1) and the Application to Sue or Defend as a Poor Person (Doc. 2) to Petitioner for filing in state court.

The Application to Sue or Defend as a Poor Person (Doc. 2) is hereby **DENIED** as **MOOT**. Because this case was opened in error based on Plaintiff's use of the wrong address on the envelope holding his state-court mandamus paperwork, his obligation to pay a filing fee for this action is **WAIVED**.

This Order does not preclude Petitioner from proceeding with a state-court mandamus action, state habeas petition, federal habeas petition, or civil rights action.

The Clerk's Office is **DIRECTED** to **CLOSE** this case.

IT IS SO ORDERED.

DATED: May 23, 2017

David R. Herndon



Digitally signed by
Judge David R.
Herndon
Date: 2017.05.23
14:00:37 -05'00'

District Judge
United States District Court